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C O N F I D E N T I A L SECTION 01 OF 03 DOHA 000529

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SUBJECT: QATAR ACCEDES TO UN CONVENTION ON WOMEN

Classified By: Charge d'affaires Mirembe Nantongo for reasons 1.4 (b and d).

(C) KEY POINTS

-- Qatar's Heir Apparent, Shaykh Tamim Bin Hamad Al Thani, issued a decree on June 24 approving accession of the State of Qatar to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

-- The decree made a number of reservations to Qatar's accession to CEDAW, most of which concerned women's marital, inheritance, and cultural rights.

-- While Qatar's public commitment to the treaty's principles is a good sign, its reservations raise doubts about the Gulf state's intention to act on its obligations.

-- Ultimately, the significance of Qatar's accession to CEDAW will be measured by its deeds, not its words.

(C) COMMENTS AND ANALYSIS

-- (C) Embassy contacts and commentators in the press view Qatar's accession to CEDAW as a positive step that enhances women's status in Qatari society. These Qataris are correct that their country's accession to CEDAW is an important development rhetorically committing the Gulf state to improving the legal status of its women.

-- (C) That said, Qatar's reservations raise significant questions about the Gulf country's commitment to improving women's rights.

-- Further Embassy analysis follows in paragraphs 4-11 and the text of the portions of the Convention to which Qatar made reservations are set forth in paragraph 12.

End Key Points and Comments.

[¶1.](#) (U) On June 24, Shaykh Tamim Bin Hamad Al Thani, the Heir Apparent, issued an Amiri Decree approving Qatar's accession to the United Nations Convention on the Elimination of All Forms of Discrimination (CEDAW). Qatar conditioned its acceptance of the treaty by taking into account the following reservations: (1), (2/a), (5/a), (9/2), (15/4), (16/1/a, c, and f), and (29/1). Most of these reservations relate to matters of nationality and family law.

DOMESTIC REACTION

[¶2.](#) (U) Qatar hailed its accession to CEDAW as another important milestone in the country's modernization. In an interview with the Arabic daily Al-Raya, Dr. Youssef

Al-Obaidan, Vice President of the National Human Rights Commission, extolled the Amiri Decree, stating that it promoted human rights in the Gulf state. He added that the signing of the Convention would help promote the status of women in Qatari society and bolster the principle of equality, which is enshrined in the Qatari Constitution. Dr. Obaidan stressed that Qatar's reservations uphold the rights of women under Islamic law.

13. (SBU) Dr. Abdel-Hamid Al-Ansari, former Dean of Islamic Law at Qatar University, told us that while Qatari women already enjoy an advanced level of rights, the accession was an additional positive step as it provided an impetus for further advances in women's rights. Dr. Al-Ansari further noted that the Constitution of Qatar, which is derived from Islamic Sharia, emphasizes the equality of men and women. He emphasized that there is nothing in the Constitution that contradicts the principles enshrined in CEDAW.

QATAR'S RESERVATIONS

4.(C) Article 2(a) calls on treaty parties to accord women equality in their constitutions. In making a reservation to this clause, Qatar claimed to be motivated by a concern for redundancy - since Article 35 of the Qatari constitution already recognizes the equality of the sexes - rather than by opposition to the principle of equality between the sexes.

15. (C) Qatar's reservation on Article 5(a), which calls for the modification of "social and cultural practices" based on

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stereotypes, has both religious and cultural components. Qatar probably construed this provision as in conflict with Sharia, which upholds different roles for men and women.

16. (C) Nearly every Arab state joined Qatar in making a reservation on Article 9(2), which commits treaty parties to granting women equal rights in the determination of their children's nationality. Such concern for the nationality of children likely reflects the patriarchal basis of Arab societies.

17. (C) Like Article 9(2), Qatar's reservation to 15(4), which endorses women's freedom of travel and residence rights, is rooted in its patriarchal culture. While less uniform than Article 9(2), objections to Article 15(4) appear to reflect the dominant role of men in Arab society.

18. (C) Qatar's objection to 16(1)(a), (b), and (c), which accord women the same rights to and during marriage, likely stems from the country's understanding of Islam. Sharia, the basis of family law in Qatar, recognizes different roles for men and women in marriage and divorce.

9.(C) Qatar's position on Article 16 appears to be one of the more liberal stances in the Arab world. While most Arab countries make reservations on the entirety of Article 16, Qatar only objected to three of the clauses of one of the articles. Particularly noteworthy is Qatar's support for clauses that endorse a woman's free choice of a spouse -- Article 16(1)(b) -- and equal rights for men and women as parents - Article 16(1)(d).

110. (C) Qatar's reservation to 29(1), which permits treaty parties to unilaterally refer any dispute to the International Court of Justice if negotiation fails to resolve the conflict, stems from a desire to preserve its sovereignty as an independent country, not any religious or cultural tradition.

111. (C) However, Qatar's objection to Article 29(1) means there is no mechanism to enforce implementation of even those provisions to which it did not object. Ultimately, the

significance of Qatar's accession to CEDAW will be measured by its deeds, not its words.

¶12. (U) THE CONVENTION: RELEVANT TEXT

ARTICLE 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

ARTICLE 2

(U) States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

-- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle.

ARTICLE 5

States shall take all appropriate measures:

-- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

ARTICLE 9

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(2) States parties shall grant women equal rights with men with respect to the nationality of their children.

ARTICLE 15

(4) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

ARTICLE 16

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

-- (a) The same right to enter into marriage;

-- (c) The same rights and responsibilities during marriage

and at its dissolution;

-- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

ARTICLE 29

(1) Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Nantongo